

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 20. 2007**

DIVISION ONE

B194451 People (Not for Publication)  
v.  
Marine

The judgment is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Rothschild, J.

## DIVISION THREE

[illegible]

The judgment is affirmed.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

April 20, 2007 (Continued)

### DIVISION THREE (continued)

B191513 People v. Brown (Not for Publication)

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The judgment (order revoking probation) is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B188528      Sea Planes, Inc.      (Not for Publication)  
v.  
Sun

The judgment is affirmed. Sun is to recover costs on appeal.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

B186287 People v. Denmark (Not for Publication)

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The judgment is affirmed.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

### DIVISION THREE (continued)

B189516 People (Not for Publication)

V.  
Midkiff

The judgment of conviction for section degree robbery (count 3) is reversed with directions to the trial court to dismiss count 3, and the judgment is modified by awarding appellant 85 days of conduct credit pursuant to Penal Code section 4019. In all other respects, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

B191965 People (Not for Publication)

V.  
Wilson

The judgment is modified by striking the \$400 Penal Code section 1202.45 parole revocation restitution fine and, as modified, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modification.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

April 20, 2007 (Continued)

DIVISION THREE (continued)

B195469      Veronica W.                      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for extraordinary writ is denied.

Aldrich, J.

We concur:    Croskey, Acting P.J.  
                         Kitching, J.

B192893      People                                      (Not for Publication)  
v.  
Hans L.

The order of wardship is affirmed.

Croskey, J.

We concur:    Klein, P.J.  
                         Kitching, J.

DIVISION FOUR

Court convened at 9:00 a.m.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J. and V. Guzman, Deputy Clerk.

DIVISION FOUR (continued)

Each of the following:

B194544 DCFS v. Kathy R.

B194234 Student Connection Center v. Marymount College

B192732 DCFS v. David J. and Florencia M.

Argument waived, cause submitted.

B191648     People  
              v.  
              Federico G.

Merits:

Argued by Lynette Gladd Moore for appellant and by Susan S. Kim, deputy attorney general for respondent. Cause submitted.

B188491     People  
              v.  
              Head

Merits:

Argued by Jan B. Norman for appellant and by Susan S. Kim, deputy attorney general for respondent. Cause submitted.

B191137     Superstars, Inc.  
              v.  
              L.S.A. Corporation

Merits:

Argued by Everett L. Skillman for appellant and by Jonathan M. Deer for respondent. Cause submitted.

DIVISION FOUR (continued)

B186768     McKenzie  
              v.  
              Vanderpoel et al.

Merits:

Argued by Timothy E. Metzinger for appellant and by David B. Epstein for respondents Vanderpoel et al. and Arthur W. Carlson for respondents Fred Astaire, Jr. et al. Cause submitted.

B188552     Abtahi  
              v.  
              Los Angeles County Tax Collector

Merits:

Argued by Thomas A. Nitti for appellant and by Emery El Habiby for respondent. Cause submitted.

Court in recess.

Court reconvened at 1:30 p.m.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J. and V. Guzman, Deputy Clerk.

B188303     People  
              v.  
              Sayres

Merits:

Argued by Richard D. Miggins for appellant and by Susan S. Kim, deputy attorney general for respondent. Cause submitted.

April 20, 2007 (Continued)

## DIVISION FOUR (continued)

B193243      Ballinger et al.  
v.  
Lockheed Martin Aeronautics Company, Inc.

Merits:  
Argued by Timothy D. Rand-Lewis for appellants and by John J. Manier  
for respondent. Cause submitted.

Court adjourned.

DIVISION FIVE

B192627 Norman Morrow (Certified for Publication)  
v.  
Los Angeles Unified School District

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

## DIVISION FIVE (continued)

B190461 People (Not for Publication)

V.

Robert Bates

The finding that defendant suffered a prior robbery conviction within the meaning of sections 667, subdivisions (b) - (i) and 1170.12, is reversed. The issue of the validity of the prior conviction is remanded to the trial court for retrial. The trial court is ordered to stay the sentence in count 2 pursuant to section 654, the stay to become permanent upon completion of the sentence in count 1. In all other respects, the judgment is affirmed.

Kriegler, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B192157 People (Not for Publication)

V.

Giovanny Jimenez

The judgment is affirmed except as follows: 15-year minimum parole eligibility dates shall be imposed as counts 2 through 9. the Penal Code section 12022.53, subdivision (d) enhancements as to counts 7 and 9 shall be changed to terms of 25-years-to-life; and \$20 court security fees shall be imposed as to each count. The trial court is to exercise its discretion to strike or impose gang enhancements pursuant to the Penal Code section 186.22 subdivision (b) (1) (C) sentences as to counts 9, 10 and 11. All of these modifications are subject to appropriate Penal Code section 654, subdivision (a) stays.

Turner, P.J.

We concur: Mosk, J.  
Kriegler, J.



DIVISION FIVE (continued)

B187686      James McManamin, Jr.                      (Not for Publication)  
v.  
Trimark Pacific Homes, L.P.

The judgment of the trial court is affirmed, as is its postjudgment order denying plaintiff's motion for an award of attorney fees. The postjudgment order denying Trimark's motion for an award of attorney fees is reversed and remanded to the trial court with directions to enter a new order granting Trimark's motion and setting the reasonable amount of attorney fees. Trimark shall recover its costs on appeal, as determined by the trial court. (Evans v. Unkow (1995) 38 Cal.App.4th 1490, 1499-1500 ["A statute authorizing an attorney fee award at the trial court level includes appellate attorney fees unless the statute specifically provides otherwise."] )

Mosk, J.

We concur:    Armstrong, Acting P.J.  
                         Kriegler, J.

B185408      Kenneth Davis  
v.  
Robert Bosch Power Tool Corporation

Filed order denying appellant's petition for rehearing and granting cross-appellant's petition for rehearing.

April 20, 2007 (Continued)

## DIVISION EIGHT

B189830 People (Not for Publication)

V.

Otero

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.

Boland, J.

B190129 People (Not for Publication)

V.

Minner

The judgment is reversed.

Boland, J.

We concur: Rubin, Acting P.J.

Flier, J.

B188946 People (Not for Publication)

V.

Heims

The judgment is affirmed.

Boland, J.

We concur: Rubin, Acting P.J.

Flier, J.